

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ETHICON ENDO-SURGERY, INC. and ETHICON  
ENDO-SURGERY, LLC,

*Plaintiffs and Counterclaim-Defendants,*

V.

COVIDIEN LP, COVIDIEN SALES LLC, and  
COVIDIEN AG,

*Defendants and Counterclaim-Plaintiffs.*

Civil Action No. 1:16-cv-12556-  
LTS

## **DEFENDANTS AND COUNTERCLAIM-PLAINTIFFS’ MOTION FOR A PRELIMINARY INJUNCTION**

Defendants and Counterclaim-Plaintiffs Covidien LP, Covidien Sales LLC and Covidien AG (collectively, “Covidien”) hereby respectfully move for a preliminary injunction. In support of this Motion, Covidien submits the accompanying Memorandum in Support of Defendants and Counterclaim-Plaintiffs’ Motion for a Preliminary Injunction, the Declarations of John Chindlund, William Durfee, and Richard Mulloy, and exhibits cited therein.

WHEREFORE, for the reasons set forth in Covidien's accompanying Memorandum and Declarations, this Court should enter an Order enjoining Plaintiffs and Counterclaim-Defendants Ethicon Endo-Surgery, Inc. and Ethicon Endo-Surgery, LLC from using, making, selling, offering for sale, importing, and marketing the Enseal® X1 Large Jaw device.

Dated: April 27, 2017

Respectfully submitted,

/s/ David J. Apfel

David J. Apfel (BBO No. 551139)  
Samuel E. Sherry (BBO No. 667527)  
**GOODWIN PROCTER LLP**  
100 Northern Avenue  
Boston, MA 02210  
Tel. 617.570.1000  
Fax: 617.227.8591  
dapfel@goodwinlaw.com  
ssherry@goodwinlaw.com

Of Counsel (admitted pro hac vice):

Drew M. Wintringham, III  
drew.wintringham@dlapiper.com  
Matthew Ganas  
matt.ganas@dlapiper.com  
DLA PIPER LLP (US)  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel: 212.335.4500  
Fax: 212.335.4501

Richard T. Mulloy  
richard.mulloy@dlapiper.com  
DLA PIPER LLP (US)  
401 B Street, Suite 1700  
San Diego, CA 92101-4297  
Tel: 619.699.2700  
Fax: 619.699.2701

*Attorneys for Defendants and Counterclaim-  
Plaintiffs Covidien AG, Covidien LP, and  
Covidien Sales LLC*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)**

I hereby certify that counsel for Covidien complied with the requirements of Local Rule 7.1(A)(2) by conferring with counsel for Ethicon on April 18, 2017. Ethicon's counsel advised that they oppose this motion.

/s/ David J. Apfel  
David J. Apfel

**CERTIFICATE OF SERVICE**

I, David J. Apfel, certify that this document filed through the ECF system will be served on April 27, 2017 electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and by first-class mail, postage prepaid on those identified as non-registered participants.

/s/ David J. Apfel  
David J. Apfel